

Law Offices of Albert Wai-Kit Chan, LLC

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JAN 06 2006

TO : EXAMINER: JASON H. JOHNSEN ART UNIT: 1623

COMPANY : UNITED STATES PATENT AND TRADE MARK
OFFICE

FAX NO. : (571) 273-8300

FROM : ALBERT WAI-KIT CHAN/JL

DOCKET : CHEUNG, Nai-Kong V. for THERAPY-ENHANCING
GLUCAN, U.S. Serial No. 10/621,027, Filed July 16, 2003,
continuation-in-part of International Application No.
PCT/US02/01276, Filed January 15, 2002, claiming benefit
of U.S. Serial No. 60/261,911, filed on 16 January 2001 –
SK939-A; Our Dkt. #639-B-PCT-US

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 9

DATE : January 6, 2006

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Message

Please confirm receipt of this facsimile via return facsimile or e-mail.

REQUEST TO RECORD PREVIOUSLY SUBMITTED POWER OF ATTORNEY

I hereby certify that the enclosed request is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax No.: (571) 273-8300, on the date shown below.

Albert Wai-Kit Chan

1/6 (o 6)

Albert Wai-Kit Chan

Date

Reg. No. 36,479

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL UNDER THE CLIENT AND ATTORNEY RELATIONSHIP. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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Dkt. #639-B-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Nai-Kong, CHEUNG

U.S. Serial No.: 10/621,027 Examiner: Jason H. JOHNSEN
 Art Unit: 1623

Filed : July 16, 2003

For : THERAPY-ENHANCING GLUCAN

Law Offices of Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11357

January 6, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

REQUEST TO RECORD PREVIOUSLY SUBMITTED POWER OF ATTORNEY

This communication is being submitted to request the Examiner to record a previously submitted power of attorney. There is no deadline to submit a request to record previously submitted power of attorney. Accordingly, this request is being timely filed.

It has been brought to Applicant's attention (while the Applicant was trying to associate the above-identified application with the attorney of record's customer number) that the power of attorney previously submitted in this application was never recorded by the United States Patent and Trademark Office (USPTO). A copy of the January 5, 2006 e-mail from the Electronic Business Center indicating the non-recording of the power of attorney is attached herein as Exhibit A.

Applicant : Nai-Kong CHEUNG
U.S. Serial No.: 10/621,027
Filed : July 16, 2003
Page : 2

Applicant respectfully directs the Examiner's attention to the July 16, 2004 entry of the Image File Wrapper for this application which contains a document, entitled "Declaration and Power of Attorney", granting power of attorney to Albert Wai-Kit Chan (Reg. No. 36,479), i.e., the attorney of record. A copy of the Declaration and Power of Attorney downloaded from USPTO's PAIR system is attached herein as Exhibit B.

Accordingly, Applicant respectfully requests the Examiner to record the power of attorney for this application

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai-Kit Chan

Albert Wai-Kit Chan
Registration No. 36,479
Attorney for Applicant
Law Offices of
Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
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I hereby certify that this paper is being facsimile transmitted to:	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax No.: (571) 273-8300	
on the date shown below.	4/6/06
<u>Albert Wai-Kit Chan</u> Albert Wai-Kit Chan Reg. No. 36,479	Date

Exhibit A

RE: [Fwd: Customer Number Upload Results for CN 57545]

Subject: RE: [Fwd: Customer Number Upload Results for CN 57545]

From: "Welch, Charles (Trawick)" <Charles.Welch@USPTO.GOV>

Date: Thu, 5 Jan 2006 12:51:48 -0500

To: "Albert Wai-Kit Chan" <chank@kitchanlaw.com>

The power of attorney check is an automated process. It checks the USPTO database for attorney info for each case. In this particular application, the POA was never recorded (for reasons that are unclear to me). The EBC does not have the authority or the tools to make changes or corrections to the recordation of Power of Attorney, and I cannot bypass the POA check and associate the application with your customer number. It would be best to contact the Group Art Unit (1623) at 571-272-1600 to have them record the POA, and once that is done, I can get the application to pass the POA check and make the association. Please let me know if you have any questions.

Charles

-----Original Message-----

From: Albert Wai-Kit Chan [mailto:chank@kitchanlaw.com]

Sent: Wednesday, January 04, 2006 6:33 PM

To: Welch, Charles (Trawick)

Subject: [Fwd: Customer Number Upload Results for CN 57545]

Dear Mr. Welch,

Thank you for your below e-mail. Upon reviewing the upload spreadsheet attached to your e-mail, we have noticed that application No. 10621027 was rejected. Please kindly inform us of the reason that application No. 10621027 (on line 16 of the spreadsheet) was rejected.

The spreadsheet indicates that the cover letter was signed by the attorney with registration No. "36479". The January 16, 2004 entry of the Image File Wrapper for application No. 10621027 shows a document entitled "Declaration and Power of Attorney" granting power of attorney to Albert Wai-Kit Chan (Reg. No. 36,479)(see page 2 of the document). A copy of the Declaration and Power of Attorney downloaded from USPTO PAIR is attached for your reference.

Would it be possible to associate this application (10621027) with CN 57545 without resubmitting a power of attorney?

Thank you for your assistance in this matter.

----- Original Message -----

Subject: Customer Number Upload Results for CN 57545

Date: Wed, 4 Jan 2006 11:20:22 -0500

From: Welch, Charles (Trawick) <Charles.Welch@USPTO.GOV>

To: chank@kitchanlaw.com

Hello,

Attached are the results of the registration query and the upload for Customer Number 57545. Also attached is a document detailing how to read these reports and instructions for your next spreadsheet. Please be aware what the upload spreadsheet template located at the USPTO web site has been updated. Filing and patent dates are no longer a requirement as Power of Attorney is the audit check for each application. In terms of a Prose upload, the lack of Power of Attorney is the audit check. The link

RE: [Fwd: Customer Number Upload Results for CN 57545]

for the template is below.

http://www.uspto.gov/ebc/documents/cust_req_instructions.xls

If there are any questions please do not hesitate to call.

Charles Welch

USPTO

Patent Electronic Business Center

Phone: (571) 272-3477

Fax: (571) 273-0177

charles.welch@USPTO.gov

Please acknowledge receipt of this e-mail via facsimile or e-mail.

Sincerely,

Albert Wai-Kit Chan/JL

Law Offices of Albert Wai-Kit Chan, LLC

World Plaza, Suite 604

141-07 20th Avenue

Whitestone, NY 11357

Tel: (718) 799-1000

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E-mail: chank@kitchanlaw.com

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Exhibit B

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Page 1 of 2

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THERAPY-ENHANCING GLUCAN

the specification of which
(check one)

is attached hereto or
was filed on, as Application U.S. Serial No.
and amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

Prior Foreign Application(s)		Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u> <u>No</u>
PCT/US02/01276	PCT	January 15, 2002	X

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/261,911	January 16, 2001	pending

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Declaration and Power of Attorney
Page 2 of 2

And I hereby appoint:

Albert Wai-Kit Chan (Reg. No. 36,479) and Mark Elkins (Reg. No. 42,510)

Attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to

Albert Wai-Kit Chan
Law Offices of Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, NY 11357
Tel: (718) 357-8836
Fax: (718) 357-8615

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor: CHEUNG, Nai-Kong V.

Inventor's signature: La. Nai Kong Vee

Citizenship: United States of America Date of Signature: 7/6/03

Residence: 3 Glen Park Road, Purchase, New York 10577, United States Of America

Post Office Address: same as the residence address